

In the Senate of the United States,

August 3, 2006.

Resolved, That the bill from the House of Representatives (H.R. 3508) entitled “An Act to authorize improvements in the operation of the government of the District of Columbia, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

2 (a) *SHORT TITLE*.—*This Act may be cited as the*

3 *“2005 District of Columbia Omnibus Authorization Act”*.

1 (b) *TABLE OF CONTENTS.—The table of contents of this*
 2 *Act is as follows:*

Sec. 1. Short title; table of contents.

TITLE I—GOVERNANCE OF DISTRICT OF COLUMBIA

Subtitle A—General District of Columbia Governance

Sec. 101. Budget flexibility.

Sec. 102. Additional Authority to allocate amounts in Reserve Funds.

Sec. 103. Permitting General Services Administration to obtain space and services on behalf of District of Columbia Public Defender Service.

Sec. 104. Authority to enter into Interstate Insurance Product Regulation Compact.

Sec. 105. Metered taxicabs in the District of Columbia.

Subtitle B—District of Columbia Courts

Sec. 111. Modernization of Office of Register of Wills.

Sec. 112. Increase in cap on rates of pay for nonjudicial employees.

Sec. 113. Clarification of rate for individuals providing services to indigent defendants.

Sec. 114. Authority of Courts to conduct proceedings outside of District of Columbia during emergencies.

Sec. 115. Authority of Court Services and Offender Supervision Agency to use services of volunteers.

Sec. 116. Technical corrections relating to courts.

Sec. 117. Inclusion of court employees in enhanced dental and vision benefit program.

Subtitle C—Other Miscellaneous Technical Corrections

Sec. 121. 2004 District of Columbia Omnibus Authorization Act.

Sec. 122. District of Columbia Appropriations Act, 2005.

Sec. 123. Technical and conforming amendments relating to banks operating under the Code of Law for the District of Columbia.

Sec. 124. District of Columbia Schools fiscal year.

Sec. 125. Gifts to libraries.

TITLE II—INDEPENDENCE OF THE CHIEF FINANCIAL OFFICER

Sec. 201. Promoting independence of Chief Financial Officer.

Sec. 202. Personnel Authority.

Sec. 203. Procurement Authority.

Sec. 204. Fiscal impact statements.

*TITLE III—AUTHORIZATION OF CERTAIN GENERAL
APPROPRIATIONS PROVISIONS*

Sec. 301. Acceptance of gifts by Court Services and Offender Supervision Agency.

Sec. 302. Evaluation process for public school employees.

Sec. 303. Clarification of application of pay provisions of Merit Personnel System to all District employees.

Sec. 304. Criteria for renewing or extending sole source contracts.

Sec. 305. Acceptance of grant amounts not included in annual budget.

Sec. 306. Standards for annual independent audit.

Sec. 307. Use of fines imposed for violation of traffic alcohol laws for enforcement and prosecution of laws.

Sec. 308. Certifications for attorneys in cases brought under Individuals With Disabilities Education Act.

**TITLE I—GOVERNANCE OF
DISTRICT OF COLUMBIA
Subtitle A—General District of
Columbia Governance**

SEC. 101. BUDGET FLEXIBILITY.

(a) *PERMITTING INCREASE IN AMOUNT APPROPRIATED AS LOCAL FUNDS DURING A FISCAL YEAR.*—Subpart 1 of part D of title IV of the District of Columbia Home Rule Act (sec. 1–204.41 et seq., D.C. Official Code) is amended by inserting after section 446 the following new section:

“*PERMITTING INCREASE IN AMOUNT APPROPRIATED AS
LOCAL FUNDS DURING A FISCAL YEAR*

“*SEC. 446A. (a) IN GENERAL.*—Notwithstanding the fourth sentence of section 446, to account for an unanticipated growth of revenue collections, the amount appropriated as District of Columbia funds under budget approved by Act of Congress as provided in such section may be increased—

“(1) by an aggregate amount of not more than 25 percent, in the case of amounts allocated under the budget as ‘Other-Type Funds’; and

1 “(2) *by an aggregate amount of not more than*
2 *6 percent, in the case of any other amounts allocated*
3 *under the budget.*

4 “(b) *CONDITIONS.—The District of Columbia may ob-*
5 *ligate and expend any increase in the amount of funds au-*
6 *thorized under this section only in accordance with the fol-*
7 *lowing conditions:*

8 “(1) *The Chief Financial Officer of the District*
9 *of Columbia shall certify—*

10 “(A) *the increase in revenue; and*

11 “(B) *that the use of the amounts is not an-*
12 *ticipated to have a negative impact on the long-*
13 *term financial, fiscal, or economic health of the*
14 *District.*

15 “(2) *The amounts shall be obligated and ex-*
16 *pended in accordance with laws enacted by the Coun-*
17 *cil of the District of Columbia in support of each such*
18 *obligation and expenditure, consistent with any other*
19 *requirements under law.*

20 “(3) *The amounts may not be used to fund any*
21 *agencies of the District government operating under*
22 *court-ordered receivership.*

23 “(4) *The amounts may not be obligated or ex-*
24 *pended unless the Mayor has notified the Committees*
25 *on Appropriations of the House of Representatives*

1 *and Senate, the Committee on Government Reform of*
 2 *the House of Representatives, and the Committee on*
 3 *Homeland Security and Governmental Affairs of the*
 4 *Senate not fewer than 30 days in advance of the obli-*
 5 *gation or expenditure.*

6 “(c) *EFFECTIVE DATE.*—*This section shall apply with*
 7 *respect to fiscal years 2006 through 2007.”.*

8 (b) *CONFORMING AMENDMENT.*—*The fourth sentence of*
 9 *section 446 of such Act (sec. 1–204.46, D.C. Official Code)*
 10 *is amended by inserting “section 446A,” after “section*
 11 *445A(b),”.*

12 (c) *CLERICAL AMENDMENT.*—*The table of contents of*
 13 *such Act is amended by inserting after the item relating*
 14 *to section 446 the following new item:*

*“Sec. 446A. Permitting increase in amount appropriated as local funds during
a fiscal year.”.*

15 **SEC. 102. ADDITIONAL AUTHORITY TO ALLOCATE AMOUNTS**
 16 **IN RESERVE FUNDS.**

17 (a) *IN GENERAL.*—*Section 450A of the District of Co-*
 18 *lumbia Home Rule Act (sec. 1–204.50A, D.C. Official Code)*
 19 *is amended—*

20 (1) *by redesignating subsection (c) as subsection*
 21 *(d); and*
 22 (2) *by inserting after subsection (b) the following*
 23 *new subsection:*

1 “(c) *ADDITIONAL AUTHORITY TO ALLOCATE*
2 *AMOUNTS.*—

3 “(1) *IN GENERAL.*—*Notwithstanding any other*
4 *provision of this section, in addition to the authority*
5 *provided under this section to allocate and use*
6 *amounts from the emergency reserve fund under sub-*
7 *section (a) and the contingency reserve fund under*
8 *subsection (b), the District of Columbia may allocate*
9 *amounts from such funds during a fiscal year and*
10 *use such amounts for cash flow management purposes.*

11 “(2) *LIMITS ON AMOUNT ALLOCATED.*—

12 “(A) *AMOUNT OF INDIVIDUAL ALLOCA-*
13 *TION.*—*The amount of an allocation made from*
14 *the emergency reserve fund or the contingency re-*
15 *serve fund pursuant to the authority of this sub-*
16 *section may not exceed 50 percent of the balance*
17 *of the fund involved at the time the allocation is*
18 *made.*

19 “(B) *AGGREGATE AMOUNT ALLOCATED.*—
20 *The aggregate amount allocated from the emer-*
21 *gency reserve fund or the contingency reserve*
22 *fund pursuant to the authority of this subsection*
23 *during a fiscal year may not exceed 50 percent*
24 *of the balance of the fund involved as of the first*
25 *day of such fiscal year.*

1 “(3) *REPLENISHMENT.*—If the District of Co-
 2 lumbia allocates any amounts from a reserve fund
 3 pursuant to the authority of this subsection during a
 4 fiscal year, the District shall fully replenish the fund
 5 for the amounts allocated not later than the earlier
 6 of—

7 “(A) the expiration of the 9-month period
 8 which begins on the date the allocation is made;
 9 or

10 “(B) the last day of the fiscal year.

11 “(4) *EFFECTIVE DATE.*—This subsection shall
 12 apply with respect to fiscal years 2006 through
 13 2007.”.

14 (b) *SPECIAL RULE FOR TIMING OF REPLENISHMENT*
 15 *AFTER SUBSEQUENT ALLOCATION.*—

16 (1) *EMERGENCY RESERVE FUND.*—Section
 17 450A(a)(7) of such Act (sec. 1–204.50A(a)(7), D.C.
 18 Official Code) is amended—

19 (A) by striking “(7) *REPLENISHMENT.*—”
 20 and inserting the following:

21 “(7) *REPLENISHMENT.*—

22 “(A) *IN GENERAL.*—The District of Colum-
 23 bia”; and

24 (B) by adding at the end the following new
 25 subparagraph:

1 “(B) *SPECIAL RULE FOR REPLENISHMENT*
2 *AFTER ALLOCATION FOR CASH FLOW MANAGE-*
3 *MENT.—*

4 “(i) *IN GENERAL.—If the District allo-*
5 *cates amounts from the emergency reserve*
6 *fund during a fiscal year for cash flow*
7 *management purposes pursuant to the au-*
8 *thority of subsection (c) and at any time*
9 *afterwards during the year makes a subse-*
10 *quent allocation from the fund for purposes*
11 *of this subsection, and if as a result of the*
12 *subsequent allocation the balance of the*
13 *fund is reduced to an amount which is less*
14 *than 50 percent of the balance of the fund*
15 *as of the first day of the fiscal year, the Dis-*
16 *trict shall replenish the fund by such*
17 *amount as may be required to restore the*
18 *balance to an amount which is equal to 50*
19 *percent of the balance of the fund as of the*
20 *first day of the fiscal year.*

21 “(ii) *DEADLINE.—The District shall*
22 *carry out any replenishment required under*
23 *clause (i) as a result of a subsequent alloca-*
24 *tion described in such clause not later than*
25 *the expiration of the 60-day period which*

1 *begins on the date of the subsequent alloca-*
 2 *tion.”.*

3 (2) *CONTINGENCY RESERVE FUND.—Section*
 4 *450A(b)(6) of such Act (sec. 1–204.50A(b)(6), D.C.*
 5 *Official Code) is amended—*

6 (A) *by striking “(6) REPLENISHMENT.—”*
 7 *and inserting the following:*

8 “(6) *REPLENISHMENT.—*

9 “(A) *IN GENERAL.—The District of Colum-*
 10 *bia”; and*

11 (B) *by adding at the end the following new*
 12 *subparagraph:*

13 “(B) *SPECIAL RULE FOR REPLENISHMENT*
 14 *AFTER ALLOCATION FOR CASH FLOW MANAGE-*
 15 *MENT.—*

16 “(i) *IN GENERAL.—If the District allo-*
 17 *cates amounts from the contingency reserve*
 18 *fund during a fiscal year for cash flow*
 19 *management purposes pursuant to the au-*
 20 *thority of subsection (c) and at any time*
 21 *afterwards during the year makes a subse-*
 22 *quent allocation from the fund for purposes*
 23 *of this subsection, and if as a result of the*
 24 *subsequent allocation the balance of the*
 25 *fund is reduced to an amount which is less*

1 *than 50 percent of the balance of the fund*
 2 *as of the first day of the fiscal year, the Dis-*
 3 *trict shall replenish the fund by such*
 4 *amount as may be required to restore the*
 5 *balance to an amount which is equal to 50*
 6 *percent of the balance of the fund as of the*
 7 *first day of the fiscal year.*

8 “(ii) *DEADLINE.—The District shall*
 9 *carry out any replenishment required under*
 10 *clause (i) as a result of a subsequent alloca-*
 11 *tion described in such clause not later than*
 12 *the expiration of the 60-day period which*
 13 *begins on the date of the subsequent alloca-*
 14 *tion.”.*

15 **SEC. 103. PERMITTING GENERAL SERVICES ADMINISTRA-**
 16 **TION TO OBTAIN SPACE AND SERVICES ON**
 17 **BEHALF OF DISTRICT OF COLUMBIA PUBLIC**
 18 **DEFENDER SERVICE.**

19 *(a) AUTHORITY TO OBTAIN SPACE AND SERVICES.—*
 20 *At the request of the Director of the District of Columbia*
 21 *Public Defender Service, the Administrator of General Serv-*
 22 *ices may furnish space and services on behalf of the Service*
 23 *(either directly by providing space and services in buildings*
 24 *owned or occupied by the Federal Government or indirectly*
 25 *by entering into leases with non-Federal entities) in the*

1 *same manner, and under the same terms and conditions,*
 2 *as the Administrator may furnish space and services on be-*
 3 *half of an agency of the Federal Government.*

4 (b) *EFFECTIVE DATE.*—*This section shall apply with*
 5 *respect to fiscal year 2006 and each succeeding fiscal year.*

6 **SEC. 104. AUTHORITY TO ENTER INTO INTERSTATE INSUR-**
 7 **ANCE PRODUCT REGULATION COMPACT.**

8 (a) *IN GENERAL.*—*The District of Columbia is author-*
 9 *ized to enter into an interstate compact to establish a joint*
 10 *state commission as an instrumentality of the District of*
 11 *Columbia for the purpose of establishing uniform insurance*
 12 *product regulations among the participating states.*

13 (b) *DELEGATION.*—*Any insurance product regulation*
 14 *compact that the Council of the District of Columbia au-*
 15 *thorizes the Mayor to execute on behalf of the District may*
 16 *contain provisions that delegate the requisite power and au-*
 17 *thority to the joint state commission to achieve the purposes*
 18 *for which the interstate compact is established.*

19 **SEC. 105. METERED TAXICABS IN THE DISTRICT OF COLUM-**
 20 **BIA.**

21 (a) *IN GENERAL.*—*Except as provided in subsection*
 22 (b) *and not later than 1 year after the date of enactment*
 23 *of this Act, the District of Columbia shall require all taxi-*
 24 *cabs licensed in the District of Columbia to charge fares*
 25 *by a metered system.*

1 (b) *DISTRICT OF COLUMBIA OPT OUT.*—*The Mayor of*
 2 *the District of Columbia may exempt the District of Colum-*
 3 *bia from the requirement under subsection (a) by issuing*
 4 *an executive order that specifically states that the District*
 5 *of Columbia opts out of the requirement to implement a*
 6 *metered fare system for taxicabs.*

7 ***Subtitle B—District of Columbia***
 8 ***Courts***

9 ***SEC. 111. MODERNIZATION OF OFFICE OF REGISTER OF***
 10 ***WILLS.***

11 (a) *REVISION OF DUTIES.*—*Section 11–2104(b), Dis-*
 12 *trict of Columbia Official Code, is amended to read as fol-*
 13 *lows:*

14 “(b) *In matters over which the Superior Court has pro-*
 15 *bate jurisdiction or powers, the Register of Wills shall—*

16 “(1) *make full and fair entries, in separate*
 17 *records, of the proceedings of the court;*

18 “(2) *record in electronic or other format all wills*
 19 *proved before the Register of Wills or the court and*
 20 *other matters required by law to be recorded in the*
 21 *court;*

22 “(3) *lodge in places of safety designated by the*
 23 *court original papers filed with the Register of Wills;*

24 “(4) *make out and issue every summons, process,*
 25 *and order of the court;*

1 “(5) prepare and submit to the Executive Officer
2 of the District of Columbia courts such reports as
3 may be required; and

4 “(6) in every respect, act under the control and
5 direction of the court.”.

6 (b) *REPEAL OF PENALTIES.*—

7 (1) *IN GENERAL.*—Section 11–2104, District of
8 Columbia Code, is amended—

9 (A) in the heading, by striking “; **pen-**
10 **alties**”; and

11 (B) by striking subsections (d) and (e).

12 (2) *CLERICAL AMENDMENT.*—The item relating
13 to section 11–2104 in the table of sections for chapter
14 21 of title 11, District of Columbia Official Code, is
15 amended by striking “; penalties”.

16 (c) *RECORD OF CLAIMS AGAINST NONRESIDENT DECE-*
17 *DENTS.*—Section 20–343(d), District of Columbia Official
18 Code, is amended by striking the second sentence and insert-
19 ing the following: “The Register shall record all such claims
20 and releases.”.

21 **SEC. 112. INCREASE IN CAP ON RATES OF PAY FOR NON-**
22 **JUDICIAL EMPLOYEES.**

23 (a) *IN GENERAL.*—The second sentence of section 11–
24 1726(a), District of Columbia Official Code, is amended by

1 *striking “pay fixed by administrative action in section*
 2 *5373” and inserting “maximum pay in section 5382(a)”.*

3 *(b) EFFECTIVE DATE.—The amendment made by sub-*
 4 *section (a) shall apply with respect to pay periods begin-*
 5 *ning on or after the date of the enactment of this Act.*

6 **SEC. 113. CLARIFICATION OF RATE FOR INDIVIDUALS PRO-**
 7 **VIDING SERVICES TO INDIGENT DEFEND-**
 8 **ANTS.**

9 *(a) IN GENERAL.—Section 11–2605, District of Co-*
 10 *lumbia Official Code, is amended—*

11 *(1) by striking subsection (b);*

12 *(2) in subsection (c), by inserting after “United*
 13 *States Code,” the following: “(or, in the case of inves-*
 14 *tigative services, a fixed rate of \$25 per hour)”;*

15 *(3) in subsection (d), by inserting after “United*
 16 *States Code,” the following: “(or, in the case of inves-*
 17 *tigative services, a fixed rate of \$25 per hour)”;* and

18 *(4) by redesignating subsections (c) and (d) as*
 19 *subsections (b) and (c).*

20 *(b) EFFECTIVE DATE.—The amendment made by sub-*
 21 *section (a) shall apply with respect to services provided on*
 22 *or after the date of the enactment of this Act.*

1 **SEC. 114. AUTHORITY OF COURTS TO CONDUCT PRO-**
 2 **CEEDINGS OUTSIDE OF DISTRICT OF COLUM-**
 3 **BIA DURING EMERGENCIES.**

4 (a) *DISTRICT OF COLUMBIA COURT OF APPEALS.*—

5 (1) *IN GENERAL.*—Subchapter I of chapter 7 of
 6 title 11, District of Columbia Official Code, is amend-
 7 ed by adding at the end the following new section:

8 **“§ 11–710. Emergency Authority to conduct pro-**
 9 **ceedings outside District of Columbia**

10 “(a) *IN GENERAL.*—The court may hold special ses-
 11 sions at any place within the United States outside the Dis-
 12 trict of Columbia as the nature of the business may require
 13 and upon such notice as the court orders, upon a finding
 14 by either the chief judge of the court (or, if the chief judge
 15 is absent or disabled, the judge designated under section 11–
 16 706(a)) or the Joint Committee on Judicial Administration
 17 in the District of Columbia that, because of emergency con-
 18 ditions, no location within the District of Columbia is rea-
 19 sonably available where such special sessions could be held.
 20 The court may transact any business at a special session
 21 authorized pursuant to this section which it has the author-
 22 ity to transact at a regular session.

23 “(b) *NOTICE REQUIREMENTS.*—If the Court of Appeals
 24 issues an order exercising its authority under subsection
 25 (a), the court—

1 “(1) *through the Joint Committee on Judicial*
 2 *Administration in the District of Columbia, shall*
 3 *send notice of such order, including the reasons for*
 4 *the issuance of such order, to the Committee on*
 5 *Homeland Security and Governmental Affairs of the*
 6 *Senate and the Committee on Government Reform of*
 7 *the House of Representatives; and*

8 “(2) *shall provide reasonable notice to the United*
 9 *States Marshals Service before the commencement of*
 10 *any special session held pursuant to such order.”.*

11 (2) *CLERICAL AMENDMENT.—The table of con-*
 12 *tents of chapter 7 of title 11, District of Columbia Of-*
 13 *ficial Code, is amended by adding at the end of the*
 14 *items relating to subchapter I the following:*

“11–710. *Emergency authority to conduct proceedings outside District of Colum-*
bia.”.

15 (b) *SUPERIOR COURT OF THE DISTRICT OF COLUM-*
 16 *BIA.—*

17 (1) *IN GENERAL.—Subchapter I of chapter 9 of*
 18 *title 11, District of Columbia Official Code, is amend-*
 19 *ed by adding at the end the following new section:*

20 **“§ 11–911. *Emergency Authority to conduct pro-***
 21 ***ceedings outside District of Columbia***

22 “(a) *IN GENERAL.—The Superior Court may hold spe-*
 23 *cial sessions at any place within the United States outside*
 24 *the District of Columbia as the nature of the business may*

1 *require and upon such notice as the Superior Court orders,*
 2 *upon a finding by either the chief judge of the Superior*
 3 *Court (or, if the chief judge is absent or disabled, the judge*
 4 *designated under section 11–907(a)) or the Joint Committee*
 5 *on Judicial Administration in the District of Columbia*
 6 *that, because of emergency conditions, no location within*
 7 *the District of Columbia is reasonably available where such*
 8 *special sessions could be held.*

9 “(b) *BUSINESS TRANSACTED.*—*The Superior Court*
 10 *may transact any business at a special session outside the*
 11 *District of Columbia authorized pursuant to this section*
 12 *which it has the authority to transact at a regular session,*
 13 *except that a criminal trial may not be conducted at such*
 14 *a special session without the consent of the defendant.*

15 “(c) *SUMMONING OF JURORS.*—*Notwithstanding any*
 16 *other provision of law, in any case in which special sessions*
 17 *are conducted pursuant to this section, the Superior Court*
 18 *may summon jurors—*

19 “(1) *in civil proceedings, from any part of the*
 20 *District of Columbia or, if jurors are not readily*
 21 *available from the District of Columbia, the jurisdic-*
 22 *tion in which it is holding the special session; and*

23 “(2) *in criminal trials, from any part of the*
 24 *District of Columbia or, if jurors are not readily*
 25 *available from the District of Columbia and if the de-*

1 *fendant so consents, the jurisdiction in which it is*
 2 *holding the special session.*

3 “(d) *NOTICE REQUIREMENTS.—If the Superior Court*
 4 *issues an order exercising its authority under subsection*
 5 *(a), the Court—*

6 “(1) *through the Joint Committee on Judicial*
 7 *Administration in the District of Columbia, shall*
 8 *send notice of such order, including the reasons for*
 9 *the issuance of such order, to the Committee on*
 10 *Homeland Security and Governmental Affairs of the*
 11 *Senate and the Committee on Government Reform of*
 12 *the House of Representatives; and*

13 “(2) *shall provide reasonable notice to the United*
 14 *States Marshals Service before the commencement of*
 15 *any special session held pursuant to such order.”.*

16 (2) *CLERICAL AMENDMENT.—The table of con-*
 17 *tents of chapter 9 of title 11, District of Columbia Of-*
 18 *ficial Code, is amended by adding at the end of the*
 19 *items relating to subchapter I the following:*

 “11–911. *Emergency authority to conduct proceedings outside District of Colum-*
 bia.”.

20 **SEC. 115. AUTHORITY OF COURT SERVICES AND OFFENDER**
 21 **SUPERVISION AGENCY TO USE SERVICES OF**
 22 **VOLUNTEERS.**

23 *Section 11233 of the National Capital Revitalization*
 24 *and Self-Government Improvement Act of 1997 (sec. 24–*

1 133, D.C. Official Code) is amended by adding at the end
 2 the following new subsection:

3 “(g) *AUTHORITY TO USE SERVICES OF VOLUN-*
 4 *TEERS.*—

5 “(1) *IN GENERAL.*—The Agency (including any
 6 independent entity within the Agency) may accept the
 7 services of volunteers and provide for their incidental
 8 expenses to carry out any activity of the Agency ex-
 9 cept policy-making.

10 “(2) *APPLICABILITY OF WORKER’S COMPENSA-*
 11 *TION RULES TO VOLUNTEERS.*—Any volunteer whose
 12 services are accepted pursuant to this subsection shall
 13 be considered an employee of the United States Gov-
 14 ernment in providing the services for purposes of
 15 chapter 81 of title 5, United States Code (relating to
 16 compensation for work injuries) and chapter 11 of
 17 title 18, United States Code, relating to corruption
 18 and conflicts of interest.”.

19 **SEC. 116. TECHNICAL CORRECTIONS RELATING TO COURTS.**

20 (a) *IN GENERAL.*—Section 329 of the District of Co-
 21 lumbia Appropriations Act, 2005 (Public Law 108–335;
 22 118 Stat. 1345), is amended to read as follows:

23 “SEC. 329. (a) *APPROVAL OF BONDS BY JOINT COM-*
 24 *MITTEE ON JUDICIAL ADMINISTRATION.*—Section 11–

1 1701(b), *District of Columbia Official Code*, is amended by
 2 striking paragraph (5).

3 “(b) *EXECUTIVE OFFICER*.—

4 “(1) *IN GENERAL*.—Section 11–1704, *District of*
 5 *Columbia Official Code*, is amended to read as fol-
 6 lows:

7 ‘*OATH OF EXECUTIVE OFFICER*

8 ‘*SEC. 11–1704.*

9 ‘*The Executive Officer shall take an oath or affirma-*
 10 *tion for the faithful and impartial discharge of the duties*
 11 *of that office.*’.

12 “(2) *CLERICAL AMENDMENT*.—*The table of sec-*
 13 *tions for chapter 17 of title 11, District of Columbia*
 14 *Official Code*, is amended by amending the item re-
 15 lating to section 11–1704 to read as follows:

‘11–1704. *Oath of Executive Officer.*’.

16 “(c) *FISCAL OFFICER*.—Section 11–1723, *District of*
 17 *Columbia Official Code*, is amended—

18 “(1) by striking ‘(a)(1)’ and inserting ‘(a)’;

19 “(2) by striking subsection (b); and

20 “(3) by redesignating paragraphs (2) and (3) of
 21 subsection (a) as subsections (b) and (c).

22 “(d) *AUDITOR-MASTER*.—Section 11–1724, *District of*
 23 *Columbia Official Code*, is amended by striking the second
 24 and third sentences.

25 “(e) *REGISTER OF WILLS*.—

1 “(1) *IN GENERAL.*—Section 11–2102, District of
2 Columbia Official Code, is amended—

3 “(A) in the heading, by striking ‘**bond**’;

4 “(B) in subsection (a)(2), by striking ‘give
5 bond,’ and all that follows through ‘seasonably to
6 record’ and inserting ‘seasonably record’; and

7 “(C) by striking the third sentence of sub-
8 section (a).

9 “(2) *CLERICAL AMENDMENT.*—The item relating
10 to section 11–2102 in the table of sections for chapter
11 21 of title 11, District of Columbia Official Code, is
12 amended by striking ‘bond;’.”

13 (b) *CLERICAL AMENDMENT.*—The table of sections for
14 chapter 17 of title 11, District of Columbia Official Code,
15 is amended by amending the item relating to section 11–
16 1728 to read as follows:

“11–1728. Recruitment and training of personnel; travel.”.

17 (c) *EFFECTIVE DATE.*—The amendments made by this
18 section shall take effect as if included in the enactment of
19 the District of Columbia Appropriations Act, 2005.

20 **SEC. 117. INCLUSION OF COURT EMPLOYEES IN ENHANCED**
21 **DENTAL AND VISION BENEFIT PROGRAM.**

22 (a) *UNITED STATES CODE.*—Title 5 of the United
23 States Code is amended—

1 (1) in section 8951(1) by adding at the end the
 2 following: “and an employee of the District of Colum-
 3 bia courts”;

4 (2) in section 8981(1) by adding at the end the
 5 following: “and an employee of the District of Colum-
 6 bia courts”; and

7 (3) in section 9001(1) is amended—

8 (A) in subparagraph (C), by striking
 9 “and”;

10 (B) in subparagraph (D), by striking the
 11 period and inserting a semicolon and “and”;
 12 and

13 (C) by adding at the end the following: “(E)
 14 an employee of the District of Columbia courts.”.

15 (b) D.C. CODE.—Section 11–1726, District of Colum-
 16 bia Code, is amended—

17 (1) in subsection (b)(1), by striking subpara-
 18 graph (F) and inserting the following:

19 “(F) Chapter 89A (relating to enhanced
 20 dental benefits).

21 “(G) Chapter 89B (relating to enhanced vi-
 22 sion benefits).

23 “(H) Chapter 90 (relating to long-term care
 24 insurance).”; and

1 (2) in subsection (c)(1), by striking subpara-
2 graph (D) and inserting the following:

3 “(D) Chapter 89A (relating to enhanced
4 dental benefits).

5 “(E) Chapter 89B (relating to enhanced vi-
6 sion benefits).

7 “(F) Chapter 90 (relating to long-term care
8 insurance).”.

9 ***Subtitle C—Other Miscellaneous***
10 ***Technical Corrections***

11 ***SEC. 121. 2004 DISTRICT OF COLUMBIA OMNIBUS AUTHOR-***
12 ***IZATION ACT.***

13 (a) *IN GENERAL.*—The first sentence of section 446(a)
14 of the District of Columbia Home Rule Act (sec. 1–
15 204.46(a), D.C. Official Code) is amended by striking “The
16 Council,”and all that follows through “from the
17 Mayor,”and inserting “The Council, within 56 calendar
18 days after receipt of the budget proposal from the Mayor,”.

19 (b) *EFFECTIVE DATE.*—The amendment made by sub-
20 section (a) shall take effect as if included in the enactment
21 of the 2004 District of Columbia Omnibus Authorization
22 Act.

1 **SEC. 122. DISTRICT OF COLUMBIA APPROPRIATIONS ACT,**
 2 **2005.**

3 (a) *IN GENERAL*.—Section 450A of the District of Co-
 4 lumbia Home Rule Act (sec. 1–204.50A, D.C. Official
 5 Code), as amended by section 332 of the District of Colum-
 6 bia Appropriations Act, 2005 (Public Law 108–335; 118
 7 Stat. 1346), is amended—

8 (1) in the heading of subsection (a)(2), by strik-
 9 ing “*IN GENERAL*” and inserting “*OPERATING EX-*
 10 *PENDITURES DEFINED*”; and

11 (2) in the heading of subsection (b)(2), by strik-
 12 ing “*IN GENERAL*” and inserting “*OPERATING EX-*
 13 *PENDITURES DEFINED*”.

14 (b) *EFFECTIVE DATE*.—The amendments made by sub-
 15 section (a) shall take effect as if included in the enactment
 16 of the District of Columbia Appropriations Act, 2005.

17 **SEC. 123. TECHNICAL AND CONFORMING AMENDMENTS RE-**
 18 **LATING TO BANKS OPERATING UNDER THE**
 19 **CODE OF LAW FOR THE DISTRICT OF COLUM-**
 20 **BIA.**

21 (a) *FEDERAL RESERVE ACT*.—

22 (1) The second undesignated paragraph of the
 23 first section of the Federal Reserve Act (12 U.S.C. 221)
 24 is amended by adding at the end the following: “For
 25 purposes of this Act, a State bank includes any bank

1 *which is operating under the Code of Law for the Dis-*
 2 *trict of Columbia.”.*

3 *(2) The first sentence of the first undesignated*
 4 *paragraph of section 9 of the Federal Reserve Act(12*
 5 *U.S.C. 321) is amended by striking “incorporated by*
 6 *special law of any State, or” and inserting “incor-*
 7 *porated by special law of any State, operating under*
 8 *the Code of Law for the District of Columbia, or”.*

9 *(b) BANK CONSERVATION ACT.—Section 202 of the*
 10 *Bank Conservation Act(12 U.S.C. 202) is amended—*

11 *(1) by striking “means (1) any national” and*
 12 *inserting “means any national”; and*

13 *(2) by striking “, and (2) any bank or trust*
 14 *company located in the District of Columbia and op-*
 15 *erating under the supervision of the Comptroller of*
 16 *the Currency”.*

17 *(c) DEPOSITORY INSTITUTION DEREGULATION AND*
 18 *MONETARY CONTROL ACT OF 1980.—Part C of title VII*
 19 *of the Depository Institution Deregulation and Monetary*
 20 *Control Act of 1980 is amended—*

21 *(1) in paragraph (1) of section 731 (12 U.S.C.*
 22 *216(1)) by striking “and closed banks in the District*
 23 *of Columbia”; and*

1 (2) in paragraph (2) of section 732 (12 U.S.C.
2 216a(2)) by striking “or closed banks in the District
3 of Columbia”.

4 (d) *FEDERAL DEPOSIT INSURANCE ACT*.—Section
5 3(a)(2)(B) of the *Federal Deposit Insurance Act*(12 U.S.C.
6 1813(a)(2)(B)) is amended by striking “(except a national
7 bank)”.

8 (e) *NATIONAL BANK CONSOLIDATION AND MERGER*
9 *ACT*.—Section 7(1) of the *National Bank Consolidation and*
10 *Merger Act*(12 U.S.C. 215b(1)) is amended by striking “(ex-
11 cept a national banking association located in the District
12 of Columbia)”.

13 (f) *AN ACT OF AUGUST 17, 1950*.—Section 1(a) of the
14 *Act entitled “An Act to provide for the conversion of na-*
15 *tional banking associations into and their merger or con-*
16 *solidation with State banks, and for other purposes”* and
17 *approved August 17, 1950* (12 U.S.C. 214(a)) is amended
18 by striking “(except a national banking association)”.

19 (g) *FEDERAL TRADE COMMISSION ACT*.—Section
20 18(f)(2) of the *Federal Trade Commission Act*(15 U.S.C.
21 57a(f)(2)) is amended—

22 (1) in subparagraph (A), by striking “, banks
23 operating under the code of law for the District of Co-
24 lumbia,”; and

5 *Section 441(b)(2) of the District of Columbia Home*
6 *Rule Act (section 1-204.41, D.C. Official Code) is amended*
7 *by striking “shall begin” and inserting “may begin”.*

9 Section 115(c) of title III of division C of Public Law
10 108-7 in amended by inserting “and the District of Colum-
11 bia Public Libraries” before the period.

14 *SEC. 201. PROMOTING INDEPENDENCE OF CHIEF FINAN-*
15 *CIAL OFFICER.*

19 “CHIEF FINANCIAL OFFICER OF THE DISTRICT OF
20 COLUMBIA

“(1) *ESTABLISHMENT.*—There is hereby established within the executive branch of the government of the District of Columbia an Office of the Chief Financial Officer of the District of Columbia (hereafter referred to as the ‘Office’), which shall be headed by

1 *the Chief Financial Officer of the District of Colum-*
 2 *bia (hereafter referred to as the ‘Chief Financial Offi-*
 3 *cer’).*

4 “(2) ORGANIZATIONAL ANALYSIS.—

5 “(A) OFFICE OF BUDGET AND PLANNING.—
 6 *The name of the Office of Budget and Manage-*
 7 *ment, established by Commissioner’s Order 69–*
 8 *96, issued March 7, 1969, is changed to the Of-*
 9 *fice of Budget and Planning.*

10 “(B) OFFICE OF TAX AND REVENUE.—*The*
 11 *name of the Department of Finance and Rev-*
 12 *enue, established by Commissioner’s Order 69–*
 13 *96, issued March 7, 1969, is changed to the Of-*
 14 *fice of Tax and Revenue.*

15 “(C) OFFICE OF FINANCE AND TREASURY.—
 16 *The name of the Office of Treasurer, established*
 17 *by Mayor’s Order 89–244, dated October 23,*
 18 *1989, is changed to the Office of Finance and*
 19 *Treasury.*

20 “(D) OFFICE OF FINANCIAL OPERATIONS
 21 AND SYSTEMS.—*The Office of the Controller, es-*
 22 *tablished by Mayor’s Order 89–243, dated Octo-*
 23 *ber 23, 1989, and the Office of Financial Infor-*
 24 *mation Services, established by Mayor’s Order*
 25 *89–244, dated October 23, 1989, are consolidated*

1 *into the Office of Financial Operations and Sys-*
2 *tems.*

3 “(3) *TRANSFERS.—Effective with the appoint-*
4 *ment of the first Chief Financial Officer under sub-*
5 *section (b), the functions and personnel of the fol-*
6 *lowing offices are established as subordinate offices*
7 *within the Office:*

8 “(A) *The Office of Budget and Planning,*
9 *headed by the Deputy Chief Financial Officer for*
10 *the Office of Budget and Planning.*

11 “(B) *The Office of Tax and Revenue, headed*
12 *by the Deputy Chief Financial Officer for the Of-*
13 *fice of Tax and Revenue.*

14 “(C) *The Office of Research and Analysis,*
15 *headed by the Deputy Chief Financial Officer for*
16 *the Office of Research and Analysis.*

17 “(D) *The Office of Financial Operations*
18 *and Systems, headed by the Deputy Chief Finan-*
19 *cial Officer for the Office of Financial Oper-*
20 *ations and Systems.*

21 “(E) *The Office of Finance and Treasury,*
22 *headed by the District of Columbia Treasurer.*

23 “(F) *The Lottery and Charitable Games*
24 *Control Board, established by the Law to Legal-*
25 *ize Lotteries, Daily Numbers Games, and Bingo*

1 *and Raffles for Charitable Purposes in the Dis-*
2 *trict of Columbia, effective March 10, 1981 (D.C.*
3 *Law 3–172; D.C. Official Code § 3–1301 et seq.).*

4 “(4) *SUPERVISOR.—The heads of the offices list-*
5 *ed in paragraph (3) of this section shall serve at the*
6 *pleasure of the Chief Financial Officer.*

7 “(5) *APPOINTMENT AND REMOVAL OF OFFICE*
8 *EMPLOYEES.—The Chief Financial Officer shall ap-*
9 *point the heads of the subordinate offices designated*
10 *in paragraph (3), after consultation with the Mayor*
11 *and the Council. The Chief Financial Officer may re-*
12 *move the heads of the offices designated in paragraph*
13 *(3), after consultation with the Mayor and the Coun-*
14 *cil.*

15 “(6) *ANNUAL BUDGET SUBMISSION.—The Chief*
16 *Financial Officer shall prepare and annually submit*
17 *to the Mayor of the District of Columbia, for inclu-*
18 *sion in the annual budget of the District of Columbia*
19 *government for a fiscal year, annual estimates of the*
20 *expenditures and appropriations necessary for the*
21 *year for the operation of the Office and all other Dis-*
22 *trict of Columbia accounting, budget, and financial*
23 *management personnel (including personnel of execu-*
24 *tive branch independent agencies) that report to the*
25 *Office pursuant to this Act.*

1 “(b) *APPOINTMENT OF THE CHIEF FINANCIAL OFFI-*
2 *CER.*—

3 “(1) *APPOINTMENT.*—

4 “(A) *IN GENERAL.*—*The Chief Financial*
5 *Officer shall be appointed by the Mayor with the*
6 *advice and consent, by resolution, of the Council.*
7 *Upon confirmation by the Council, the name of*
8 *the Chief Financial Officer shall be submitted to*
9 *the Committees on Appropriations of the House*
10 *of Representatives and Senate, the Committee on*
11 *Government Reform of the House of Representa-*
12 *tives, and the Committee on Homeland Security*
13 *and Governmental Affairs of the Senate for a 30-*
14 *day period of review and comment before the ap-*
15 *pointment takes effect.*

16 “(B) *SPECIAL RULE FOR CONTROL*
17 *YEARS.*—*During a control year, the Chief Finan-*
18 *cial Officer shall be appointed by the Mayor as*
19 *follows:*

20 “(i) *Prior to the appointment, the Au-*
21 *thority may submit recommendations for*
22 *the appointment to the Mayor.*

23 “(ii) *In consultation with the Author-*
24 *ity and the Council, the Mayor shall nomi-*

1 *nate an individual for appointment and no-*
 2 *tify the Council of the nomination.*

3 *“(iii) After the expiration of the 7-day*
 4 *period which begins on the date the Mayor*
 5 *notifies the Council of the nomination*
 6 *under clause (ii), the Mayor shall notify the*
 7 *Authority of the nomination.*

8 *“(iv) The nomination shall be effective*
 9 *subject to approval by a majority vote of the*
 10 *Authority.*

11 *“(2) TERM.—*

12 *“(A) IN GENERAL.—All appointments made*
 13 *after June 30, 2007, shall be for a term of 5*
 14 *years, except for appointments made for the re-*
 15 *mainder of unexpired terms. The appointments*
 16 *shall have an anniversary date of July 1.*

17 *“(B) TRANSITION.—For purposes of this*
 18 *section, the individual serving as Chief Finan-*
 19 *cial Officer as of the date of enactment of the*
 20 *2005 District of Columbia Omnibus Authoriza-*
 21 *tion Act shall be deemed to have been appointed*
 22 *under this subsection, except that such individ-*
 23 *ual’s initial term of office shall begin upon such*
 24 *date and shall end on June 30, 2007.*

1 “(C) *CONTINUANCE.*—*Any Chief Financial*
 2 *Officer may continue to serve beyond his term*
 3 *until a successor takes office.*

4 “(D) *VACANCIES.*—*Any vacancy in the Of-*
 5 *fice of Chief Financial Officer shall be filled in*
 6 *the same manner as the original appointment*
 7 *under paragraph (1).*

8 “(E) *PAY.*—*The Chief Financial Officer*
 9 *shall be paid at an annual rate equal to the rate*
 10 *of basic pay payable for level I of the Executive*
 11 *Schedule.*

12 “(c) *REMOVAL OF THE CHIEF FINANCIAL OFFICER.*—

13 “(1) *IN GENERAL.*—*The Chief Financial Officer*
 14 *may only be removed for cause by the Mayor, subject*
 15 *to the approval of the Council by a resolution ap-*
 16 *proved by not fewer than $\frac{2}{3}$ of the members of the*
 17 *Council. After approval of the resolution by the Coun-*
 18 *cil, notice of the removal shall be submitted to the*
 19 *Committees on Appropriations of the House of Rep-*
 20 *resentatives and Senate, the Committee on Govern-*
 21 *ment Reform of the House of Representatives, and the*
 22 *Committee on Homeland Security and Governmental*
 23 *Affairs of the Senate for a 30-day period of review*
 24 *and comment before the removal takes effect.*

1 “(2) *SPECIAL RULE FOR CONTROL YEARS.*—*During*
 2 *ing a control year, the Chief Financial Officer may*
 3 *be removed for cause by the Authority or by the*
 4 *Mayor with the approval of the Authority.*

5 “(d) *DUTIES OF THE CHIEF FINANCIAL OFFICER.*—
 6 *Notwithstanding any provisions of this Act which grant au-*
 7 *thority to other entities of the District government, the Chief*
 8 *Financial Officer shall have the following duties and shall*
 9 *take such steps as are necessary to perform these duties:*

10 “(1) *During a control year, preparing the finan-*
 11 *cial plan and the budget for the use of the Mayor for*
 12 *purposes of subtitle A of title II of the District of Co-*
 13 *lumbia Financial Responsibility and Management*
 14 *Assistance Act of 1995.*

15 “(2) *Preparing the budgets of the District of Co-*
 16 *lumbia for the year for the use of the Mayor for pur-*
 17 *poses of part D and preparing the 5-year financial*
 18 *plan based upon the adopted budget for submission*
 19 *with the District of Columbia budget by the Mayor to*
 20 *Congress.*

21 “(3) *During a control year, assuring that all fi-*
 22 *nancial information presented by the Mayor is pre-*
 23 *sented in a manner, and is otherwise consistent with,*
 24 *the requirements of the District of Columbia Finan-*

1 *cial Responsibility and Management Assistance Act of*
2 *1995.*

3 “(4) *Implementing appropriate procedures and*
4 *instituting such programs, systems, and personnel*
5 *policies within the Chief Financial Officer’s author-*
6 *ity, to ensure that budget, accounting, and personnel*
7 *control systems and structures are synchronized for*
8 *budgeting and control purposes on a continuing basis*
9 *and to ensure that appropriations are not exceeded.*

10 “(5) *Preparing and submitting to the Mayor and*
11 *the Council, with the approval of the Authority dur-*
12 *ing a control year, and making public—*

13 “(A) *annual estimates of all revenues of the*
14 *District of Columbia (without regard to the*
15 *source of such revenues), including proposed rev-*
16 *enues, which shall be binding on the Mayor and*
17 *the Council for purposes of preparing and sub-*
18 *mitting the budget of the District government for*
19 *the year under part D of this title, except that*
20 *the Mayor and the Council may prepare the*
21 *budget based on estimates of revenues which are*
22 *lower than those prepared by the Chief Financial*
23 *Officer; and*

24 “(B) *quarterly re-estimates of the revenues*
25 *of the District of Columbia during the year.*

1 “(6) *Supervising and assuming responsibility for*
2 *financial transactions to ensure adequate control of*
3 *revenues and resources.*

4 “(7) *Maintaining systems of accounting and in-*
5 *ternal control designed to provide—*

6 “(A) *full disclosure of the financial impact*
7 *of the activities of the District government;*

8 “(B) *adequate financial information needed*
9 *by the District government for management pur-*
10 *poses;*

11 “(C) *effective control over, and account-*
12 *ability for, all funds, property, and other assets*
13 *of the District of Columbia; and*

14 “(D) *reliable accounting results to serve as*
15 *the basis for preparing and supporting agency*
16 *budget requests and controlling the execution of*
17 *the budget.*

18 “(8) *Submitting to the Council a financial state-*
19 *ment of the District government, containing such de-*
20 *tails and at such times as the Council may specify.*

21 “(9) *Supervising and assuming responsibility for*
22 *the assessment of all property subject to assessment*
23 *and special assessments within the corporate limits of*
24 *the District of Columbia for taxation, preparing tax*

1 *maps, and providing such notice of taxes and special*
2 *assessments (as may be required by law).*

3 *“(10) Supervising and assuming responsibility*
4 *for the levying and collection of all taxes, special as-*
5 *sessments, licensing fees, and other revenues of the*
6 *District of Columbia (as may be required by law),*
7 *and receiving all amounts paid to the District of Co-*
8 *lumbia from any source (including the Authority).*

9 *“(11) Maintaining custody of all public funds*
10 *belonging to or under the control of the District gov-*
11 *ernment (or any department or agency of the District*
12 *government), and depositing all amounts paid in*
13 *such depositories and under such terms and condi-*
14 *tions as may be designated by the Council (or by the*
15 *Authority during a control year).*

16 *“(12) Maintaining custody of all investment and*
17 *invested funds of the District government or in posses-*
18 *sion of the District government in a fiduciary capac-*
19 *ity, and maintaining the safekeeping of all bonds and*
20 *notes of the District government and the receipt and*
21 *delivery of District government bonds and notes for*
22 *transfer, registration, or exchange.*

23 *“(13) Apportioning the total of all appropria-*
24 *tions and funds made available during the year for*
25 *obligation so as to prevent obligation or expenditure*

1 *in a manner which would result in a deficiency or a*
2 *need for supplemental appropriations during the*
3 *year, and (with respect to appropriations and funds*
4 *available for an indefinite period and all authoriza-*
5 *tions to create obligations by contract in advance of*
6 *appropriations) apportioning the total of such appro-*
7 *priations, funds, or authorizations in the most effec-*
8 *tive and economical manner.*

9 *“(14) Certifying all contracts and leases (wheth-*
10 *er directly or through delegation) prior to execution*
11 *as to the availability of funds to meet the obligations*
12 *expected to be incurred by the District government*
13 *under such contracts and leases during the year.*

14 *“(15) Prescribing the forms of receipts, vouchers,*
15 *bills, and claims to be used by all agencies, offices,*
16 *and instrumentalities of the District government.*

17 *“(16) Certifying and approving prior to pay-*
18 *ment of all bills, invoices, payrolls, and other evi-*
19 *dences of claims, demands, or charges against the Dis-*
20 *trict government, and determining the regularity, le-*
21 *gality, and correctness of such bills, invoices, payrolls,*
22 *claims, demands, or charges.*

23 *“(17) In coordination with the Inspector General*
24 *of the District of Columbia, performing internal au-*
25 *dits of accounts and operations and records of the*

1 *District government, including the examination of*
2 *any accounts or records of financial transactions, giv-*
3 *ing due consideration to the effectiveness of account-*
4 *ing systems, internal control, and related administra-*
5 *tive practices of the departments and agencies of the*
6 *District government.*

7 “(18) *Exercising responsibility for the adminis-*
8 *tration and supervision of the District of Columbia*
9 *Treasurer.*

10 “(19) *Supervising and administering all bor-*
11 *rowing programs for the issuance of long-term and*
12 *short-term indebtedness, as well as other financing-re-*
13 *lated programs of the District government.*

14 “(20) *Administering the cash management pro-*
15 *gram of the District government, including the invest-*
16 *ment of surplus funds in governmental and non-gov-*
17 *ernmental interest-bearing securities and accounts.*

18 “(21) *Administering the centralized District gov-*
19 *ernment payroll and retirement systems (other than*
20 *the retirement system for police officers, fire fighters,*
21 *and teachers).*

22 “(22) *Governing the accounting policies and sys-*
23 *tems applicable to the District government.*

1 “(23) *Preparing appropriate annual, quarterly,*
2 *and monthly financial reports of the accounting and*
3 *financial operations of the District government.*

4 “(24) *Not later than 120 days after the end of*
5 *each fiscal year, preparing the complete financial*
6 *statement and report on the activities of the District*
7 *government for such fiscal year, for the use of the*
8 *Mayor under section 448(a)(4).*

9 “(25) *Preparing fiscal impact statements on reg-*
10 *ulations, multiyear contracts, contracts over*
11 *\$1,000,000 and on legislation, as required by section*
12 *4a of the General Legislative Procedures Act of 1975.*

13 “(26) *Preparing under the direction of the*
14 *Mayor, who has the specific responsibility for formu-*
15 *lating budget policy using Chief Financial Officer*
16 *technical and human resources, the budget for submis-*
17 *sion by the Mayor to the Council and to the public*
18 *and upon final adoption to Congress and to the pub-*
19 *lic.*

20 “(27) *Certifying all collective bargaining agree-*
21 *ments and nonunion pay proposals prior to submis-*
22 *sion to the Council for approval as to the availability*
23 *of funds to meet the obligations expected to be in-*
24 *curring by the District government under such collec-*

1 *tive bargaining agreements and nonunion pay pro-*
2 *posals during the year.*

3 “(e) *FUNCTIONS OF TREASURER.—At all times, the*
4 *Treasurer shall have the following duties:*

5 “(1) *Assisting the Chief Financial Officer in re-*
6 *porting revenues received by the District government,*
7 *including submitting annual and quarterly reports*
8 *concerning the cash position of the District govern-*
9 *ment not later than 60 days after the last day of the*
10 *quarter (or year) involved. Each such report shall in-*
11 *clude the following:*

12 “(A) *Comparative reports of revenue and*
13 *other receipts by source, including tax, nontax,*
14 *and Federal revenues, grants and reimburse-*
15 *ments, capital program loans, and advances.*
16 *Each source shall be broken down into specific*
17 *components.*

18 “(B) *Statements of the cash flow of the Dis-*
19 *trict government for the preceding quarter or*
20 *year, including receipts, disbursements, net*
21 *changes in cash inclusive of the beginning bal-*
22 *ance, cash and investment, and the ending bal-*
23 *ance, inclusive of cash and investment. Such*
24 *statements shall reflect the actual, planned, better*
25 *or worse dollar amounts and the percentage*

1 *change with respect to the current quarter, year-*
2 *to-date, and fiscal year.*

3 *“(C) Quarterly cash flow forecast for the*
4 *quarter or year involved, reflecting receipts, dis-*
5 *bursements, net change in cash inclusive of the*
6 *beginning balance, cash and investment, and the*
7 *ending balance, inclusive of cash and investment*
8 *with respect to the actual dollar amounts for the*
9 *quarter or year, and projected dollar amounts*
10 *for each of the 3 succeeding quarters.*

11 *“(D) Monthly reports reflecting a detailed*
12 *summary analysis of all District of Columbia*
13 *government investments, including—*

14 *“(i) the total of long-term and short-*
15 *term investments;*

16 *“(ii) a detailed summary analysis of*
17 *investments by type and amount, including*
18 *purchases, sales (maturities), and interest;*

19 *“(iii) an analysis of investment port-*
20 *folio mix by type and amount, including li-*
21 *quidity, quality/risk of each security, and*
22 *similar information;*

23 *“(iv) an analysis of investment strat-*
24 *egy, including near-term strategic plans*
25 *and projects of investment activity, as well*

1 *as forecasts of future investment strategies*
2 *based on anticipated market conditions,*
3 *and similar information; and*

4 “(v) *an analysis of cash utilization,*
5 *including—*

6 “(I) *comparisons of budgeted per-*
7 *centages of total cash to be invested*
8 *with actual percentages of cash in-*
9 *vested and the dollar amounts;*

10 “(II) *comparisons of the next re-*
11 *turn on invested cash expressed in per-*
12 *centages (yield) with comparable mar-*
13 *ket indicators and established District*
14 *of Columbia government yield objec-*
15 *tives; and*

16 “(III) *comparisons of estimated*
17 *dollar return against actual dollar*
18 *yield.*

19 “(E) *Monthly reports reflecting a detailed*
20 *summary analysis of long-term and short-term*
21 *borrowings inclusive of debt as authorized by sec-*
22 *tion 603, in the current fiscal year and the*
23 *amount of debt for each succeeding fiscal year*
24 *not to exceed 5 years. All such reports shall*
25 *reflect—*

1 “(i) the amount of debt outstanding by
2 type of instrument;

3 “(ii) the amount of authorized and
4 unissued debt, including availability of
5 short-term lines of credit, United States
6 Treasury borrowings, and similar informa-
7 tion;

8 “(iii) a maturity schedule of the debt;

9 “(iv) the rate of interest payable upon
10 the debt; and

11 “(v) the amount of debt service require-
12 ments and related debt service reserves.

13 “(2) Such other functions assigned to the Chief
14 Financial Officer under subsection (d) as the Chief
15 Financial Officer may delegate.

16 “(f) *DEFINITIONS.*—For purposes of this section (and
17 sections 424a and 424b)—

18 “(1) the term ‘Authority’ means the District of
19 Columbia Financial Responsibility and Management
20 Assistance Authority established under section 101(a)
21 of the District of Columbia Financial Responsibility
22 and Management Assistance Act of 1995;

23 “(2) the term ‘control year’ has the meaning
24 given such term under section 305(4) of such Act; and

1 “(3) the term ‘District government’ has the
2 meaning given such term under section 305(5) of such
3 Act.”.

4 (b) *CLARIFICATION OF DUTIES OF CHIEF FINANCIAL*
5 *OFFICER AND MAYOR.*—

6 (1) *RELATION TO FINANCIAL DUTIES OF*
7 *MAYOR.*—Section 448(a) of such Act (section 1–
8 204.48(a), D.C. Official Code) is amended by striking
9 “section 603,” and inserting “section 603 and except
10 to the extent provided under section 424(d),”.

11 (2) *RELATION TO MAYOR’S DUTIES REGARDING*
12 *ACCOUNTING SUPERVISION AND CONTROL.*—Section
13 449 of such Act (section 1–204.49, D.C. Official Code)
14 is amended by striking “The Mayor” and inserting
15 “Except to the extent provided under section 424(d),
16 the Mayor”.

17 **SEC. 202. PERSONNEL AUTHORITY.**

18 (a) *PROVIDING INDEPENDENT PERSONNEL AUTHOR-*
19 *ITY.*—

20 (1) *IN GENERAL.*—Part B of title IV of the Dis-
21 trict of Columbia Home Rule Act is amended by add-
22 ing at the end the following new section:

23 “*AUTHORITY OF CHIEF FINANCIAL OFFICER OVER*
24 *PERSONNEL OF OFFICE AND OTHER FINANCIAL PERSONNEL*

25 “*SEC. 424. (a) IN GENERAL.*—Notwithstanding any
26 provision of law or regulation (including any law or regu-

1 *lation providing for collective bargaining or the enforce-*
 2 *ment of any collective bargaining agreement), employees of*
 3 *the Office of the Chief Financial Officer of the District of*
 4 *Columbia, including personnel described in subsection (b),*
 5 *shall be appointed by, shall serve at the pleasure of, and*
 6 *shall act under the direction and control of the Chief Finan-*
 7 *cial Officer of the District of Columbia, and shall be consid-*
 8 *ered at-will employees not covered by the District of Colum-*
 9 *bia Merit Personnel Act of 1978, except that nothing in this*
 10 *section may be construed to prohibit the Chief Financial*
 11 *Officer from entering into a collective bargaining agreement*
 12 *governing such employees and personnel or to prohibit the*
 13 *enforcement of such an agreement as entered into by the*
 14 *Chief Financial Officer.*

15 “(b) *PERSONNEL.—The personnel described in this*
 16 *subsection are as follows:*

17 “(1) *The General Counsel to the Chief Financial*
 18 *Officer and all other attorneys in the Office of the*
 19 *General Counsel within the Office of the Chief Finan-*
 20 *cial Officer of the District of Columbia, together with*
 21 *all other personnel of the Office.*

22 “(2) *All other individuals hired or retained as*
 23 *attorneys by the Chief Financial Officer or any office*
 24 *under the personnel authority of the Chief Financial*
 25 *Officer, each of whom shall act under the direction*

1 *and control of the General Counsel to the Chief Fi-*
2 *nancial Officer.*

3 “(3) *The heads and all personnel of the subordi-*
4 *nate offices of the Office (as described in section*
5 *424(a)(2) and established as subordinate offices in*
6 *section 424(a)(3)) and the Chief Financial Officers,*
7 *Agency Fiscal Officers, and Associate Chief Financial*
8 *Officers of all District of Columbia executive branch*
9 *subordinate and independent agencies (in accordance*
10 *with subsection (c)), together with all other District of*
11 *Columbia accounting, budget, and financial manage-*
12 *ment personnel (including personnel of executive*
13 *branch independent agencies, but not including per-*
14 *sonnel of the legislative or judicial branches of the*
15 *District government).*

16 “(c) *APPOINTMENT OF CERTAIN EXECUTIVE BRANCH*
17 *AGENCY CHIEF FINANCIAL OFFICERS.—*

18 “(1) *IN GENERAL.—The Chief Financial Officers*
19 *and Associate Chief Financial Officers of all District*
20 *of Columbia executive branch subordinate and inde-*
21 *pendent agencies (other than those of a subordinate*
22 *office of the Office) shall be appointed by the Chief Fi-*
23 *nancial Officer, in consultation with the agency head,*
24 *where applicable. The appointment shall be made*

1 *from a list of qualified candidates developed by the*
 2 *Chief Financial Officer.*

3 “(2) *TRANSITION.*—*Any executive branch agency*
 4 *Chief Financial Officer appointed prior to the date of*
 5 *enactment of the 2005 District of Columbia Omnibus*
 6 *Authorization Act may continue to serve in that ca-*
 7 *capacity without reappointment.*

8 “(d) *INDEPENDENT AUTHORITY OVER LEGAL PER-*
 9 *SONNEL.*—*Title VIII–B of the District of Columbia Govern-*
 10 *ment Comprehensive Merit Personnel Act of 1978 (sec. 1–*
 11 *608.51 et seq., D.C. Official Code) shall not apply to the*
 12 *Office of the Chief Financial Officer or to attorneys em-*
 13 *ployed by the Office.”*

14 (2) *CLERICAL AMENDMENT.*—*The table of con-*
 15 *tents of part B of title IV of the District of Columbia*
 16 *Home Rule Act is amended by adding at the end the*
 17 *following new item:*

*“Sec. 424a. Authority of Chief Financial Officer over personnel of Office and
 other financial personnel.”.*

18 (b) *CONFORMING AMENDMENT.*—*Section 862 of the*
 19 *District of Columbia Government Comprehensive Merit*
 20 *Personnel Act of 1978 (D.C. Law 2–260; D.C. Official Code*
 21 *§ 1–608.62) is amended by striking paragraph (2).*

22 **SEC. 203. PROCUREMENT AUTHORITY.**

23 (a) *PROVIDING INDEPENDENT AUTHORITY TO PRO-*
 24 *CURE GOODS AND SERVICES.*—

7 “SEC. 424b. The Chief Financial Officer shall carry
8 out procurement of goods and services for the Office of the
9 Chief Financial Officer through a procurement office or di-
0 vision which shall operate independently of, and shall not
1 be governed by, the Office of Contracting and Procurement
2 established under the District of Columbia Procurement
3 Practices Act of 1986 or any successor office, except the pro-
4 visions applicable under such Act to procurement carried
5 out by the Chief Procurement Officer established by section
6 105 of such Act or any successor office shall apply with
7 respect to the procurement carried out by the Chief Finan-
8 cial Officer’s procurement office or division.”.

“Sec. 424b. Procurement authority of the Chief Financial Officer.”.

† HR 3508 EAS

(1) *PROCUREMENT PRACTICES ACT*.—Section 104 of the District of Columbia Procurement Practices Act of 1985 (sec. 2–301.04, D.C. Official Code) is amended—

(A) in subsection (a), by striking “, and the District of Columbia Financial Responsibility and Management Assistance Authority” and inserting the following: “the District of Columbia Financial Responsibility and Management Assistance Authority, and (to the extent described in section 424b of the District of Columbia Home Rule Act) the Office of the Chief Financial Officer of the District of Columbia”; and

(B) in subsection (c), by striking the second and third sentences.

(2) *OTHER CONFORMING AMENDMENT*.—Section 132 of the District of Columbia Appropriations Act, 2006 (Public Law 109–115) is hereby repealed.

(c) *EFFECTIVE DATE*.—This section and the amendments made by this section shall take effect 6 months after the date of enactment of this Act.

SEC. 204. FISCAL IMPACT STATEMENTS.

The General Legislative Procedures Act of 1975 (sec. 1–301.45 et seq., D.C. Official Code) is amended by adding at the end the following new section:

1 “*FISCAL IMPACT STATEMENTS*

2 “*SEC. 4. (a) BILLS AND RESOLUTIONS.—*

3 “*(1) IN GENERAL.—Notwithstanding any other*
4 *law, except as provided in subsection (c), all perma-*
5 *nent bills and resolutions shall be accompanied by a*
6 *fiscal impact statement before final adoption by the*
7 *Council.*

8 “*(2) CONTENTS.—The fiscal impact statement*
9 *shall include the estimate of the costs which will be*
10 *incurred by the District as a result of the enactment*
11 *of the measure in the current and each of the first*
12 *four fiscal years for which the act or resolution is in*
13 *effect, together with a statement of the basis for such*
14 *estimate.*

15 “*(b) APPROPRIATIONS.—Permanent and emergency*
16 *acts which are accompanied by fiscal impact statements*
17 *which reflect unbudgeted costs, shall be subject to appropria-*
18 *tions prior to becoming effective.*

19 “*(c) APPLICABILITY.—Subsection (a) shall not apply*
20 *to emergency declaration, ceremonial, confirmation, and*
21 *sense of the Council resolutions.”.*

1 ***TITLE III—AUTHORIZATION OF***
 2 ***CERTAIN GENERAL APPRO-***
 3 ***PRIATIONS PROVISIONS***

4 ***SEC. 301. ACCEPTANCE OF GIFTS BY COURT SERVICES AND***
 5 ***OFFENDER SUPERVISION AGENCY.***

6 *(a) AUTHORITY TO ACCEPT GIFTS.—Section 11233(b)*
 7 *of the National Capital Revitalization and Self-Government*
 8 *Improvement Act of 1997 (sec. 24–133(b), D.C. Official*
 9 *Code) is amended by adding at the end the following new*
 10 *paragraphs:*

11 *“(3) ACCEPTANCE OF GIFTS.—*

12 *“(A) AUTHORITY TO ACCEPT GIFTS.—Dur-*
 13 *ing fiscal years 2006 through 2008, the Director*
 14 *may accept and use gifts in the form of—*

15 *“(i) in-kind contributions of space and*
 16 *hospitality to support offender and defend-*
 17 *ant programs; and*

18 *“(ii) equipment and vocational train-*
 19 *ing services to educate and train offenders*
 20 *and defendants.*

21 *“(B) RECORDS.—The Director shall keep*
 22 *accurate and detailed records of the acceptance*
 23 *and use of any gifts under subparagraph (A),*
 24 *and shall make such records available for audit*
 25 *and public inspection.*

1 “(4) *REIMBURSEMENT FROM DISTRICT GOVERN-*
 2 *MENT.*—During fiscal years 2006 through 2008, the
 3 Director may accept and use reimbursement from the
 4 District government for space and services provided,
 5 on a cost reimbursable basis.”.

6 (b) *AUTHORITY OF PUBLIC DEFENDER SERVICE TO*
 7 *CHARGE FEES FOR EVENT MATERIALS.*—Section 307 of the
 8 District of Columbia Court Reform and Criminal Proce-
 9 dure Act of 1970 (sec. 2–1607, D.C. Official Code) is
 10 amended by adding at the end the following new subsection:

11 “(d) During fiscal years 2006 through 2008, the Serv-
 12 ice may charge fees to cover the costs of materials distrib-
 13 uted to attendees of educational events, including con-
 14 ferences, sponsored by the Service. Notwithstanding section
 15 3302 of title 31, United States Code, any amounts received
 16 as fees under this subsection shall be credited to the Service
 17 and available for use without further appropriation.”.

18 **SEC. 302. EVALUATION PROCESS FOR PUBLIC SCHOOL EM-**
 19 **PLOYEES.**

20 Title XVII of the District of Columbia Merit Personnel
 21 Act of 1978 (sec. 1–617.01 et seq., D.C. Official Code) is
 22 amended by adding at the end the following new section:

1 **“SEC. 1718. EVALUATION PROCESS FOR PUBLIC SCHOOL**
 2 **EMPLOYEES.**

3 *“Notwithstanding any other provision of law, rule, or*
 4 *regulation, during fiscal year 2006 and each succeeding fis-*
 5 *cal year the evaluation process and instruments for evalu-*
 6 *ating District of Columbia Public Schools employees shall*
 7 *be a non-negotiable item for collective bargaining pur-*
 8 *poses.”.*

9 **SEC. 303. CLARIFICATION OF APPLICATION OF PAY PROVI-**
 10 **SIONS OF MERIT PERSONNEL SYSTEM TO ALL**
 11 **DISTRICT EMPLOYEES.**

12 *(a) DISTRICT OF COLUMBIA HOME RULE ACT.—The*
 13 *fourth sentence of section 422(3) of the District of Columbia*
 14 *Home Rule Act (sec. 1–204.42(3), D.C. Official Code) is*
 15 *amended by striking “The system may provide” and insert-*
 16 *ing the following: “The system shall apply with respect to*
 17 *the compensation of employees of the District government*
 18 *during fiscal year 2006 and each succeeding fiscal year, ex-*
 19 *cept that the system may provide”.*

20 *(b) TITLE 5, UNITED STATES CODE.—Section 5102 of*
 21 *title 5, United States Code, is amended by adding at the*
 22 *end the following new subsection:*

23 *“(e) Except as may be specifically provided, this chap-*
 24 *ter does not apply for pay purposes to any employee of the*
 25 *government of the District of Columbia during fiscal year*
 26 *2006 or any succeeding fiscal year.”.*

1 **SEC. 304. CRITERIA FOR RENEWING OR EXTENDING SOLE**
 2 **SOURCE CONTRACTS.**

3 *Section 305 of the District of Columbia Procurement*
 4 *Practices Act of 1985 (sec. 2–303.05, D.C. Official Code)*
 5 *is amended by adding at the end the following new sub-*
 6 *section:*

7 “(b) *During fiscal years 2006 through 2008, a procure-*
 8 *ment contract awarded through noncompetitive negotia-*
 9 *tions in accordance with subsection (a) may be renewed or*
 10 *extended only if the Chief Financial Officer of the District*
 11 *of Columbia reviews the contract and certifies that the con-*
 12 *tract was renewed or extended in accordance with duly pro-*
 13 *mulgated rules and procedures.”.*

14 **SEC. 305. ACCEPTANCE OF GRANT AMOUNTS NOT IN-**
 15 **CLUDED IN ANNUAL BUDGET.**

16 (a) *AUTHORITY TO ACCEPT, OBLIGATE, AND EXPEND*
 17 *AMOUNTS.—Subpart 1 of part D of title IV of the District*
 18 *of Columbia Home Rule Act (sec. 1–204.41 et seq., D.C. Of-*
 19 *ficial Code), as amended by section 101(a), is amended by*
 20 *inserting after section 446A the following new section:*

21 “ACCEPTANCE OF GRANT AMOUNTS NOT INCLUDED IN
 22 ANNUAL BUDGET

23 “SEC. 446B. (a) *AUTHORITY TO ACCEPT, OBLIGATE,*
 24 *AND EXPEND AMOUNTS.—Notwithstanding the fourth sen-*
 25 *tence of section 446, the Mayor, in consultation with the*
 26 *Chief Financial Officer of the District of Columbia may ac-*

1 *cept, obligate, and expend Federal, private, and other*
 2 *grants received by the District government that are not re-*
 3 *flected in the budget approved by Act of Congress as pro-*
 4 *vided in such section.*

5 “(b) *CONDITIONS.—*

6 “(1) *ROLE OF CHIEF FINANCIAL OFFICER; AP-*
 7 *PROVAL BY COUNCIL.—No Federal, private, or other*
 8 *grant may be accepted, obligated, or expended pursu-*
 9 *ant to subsection (a) until—*

10 “(A) *the Chief Financial Officer submits to*
 11 *the Council a report setting forth detailed infor-*
 12 *mation regarding such grant; and*

13 “(B) *the Council has reviewed and ap-*
 14 *proved the acceptance, obligation, and expendi-*
 15 *ture of such grant.*

16 “(2) *DEEMED APPROVAL BY COUNCIL.—For pur-*
 17 *poses of paragraph (1)(B), the Council shall be*
 18 *deemed to have reviewed and approved the acceptance,*
 19 *obligation, and expenditure of a grant if—*

20 “(A) *no written notice of disapproval is*
 21 *filed with the Secretary of the Council within 14*
 22 *calendar days of the receipt of the report from*
 23 *the Chief Financial Officer under paragraph*
 24 *(1)(A); or*

1 “(B) if such a notice of disapproval is filed
2 within such deadline, the Council does not by
3 resolution disapprove the acceptance, obligation,
4 or expenditure of the grant within 30 calendar
5 days of the initial receipt of the report from the
6 Chief Financial Officer under paragraph (1)(A).

7 “(c) NO OBLIGATION OR EXPENDITURE PERMITTED IN
8 ANTICIPATION OF RECEIPT OR APPROVAL.—No amount
9 may be obligated or expended from the general fund or other
10 funds of the District of Columbia government in anticipa-
11 tion of the approval or receipt of a grant under subsection
12 (b)(2) or in anticipation of the approval or receipt of a
13 Federal, private, or other grant not subject to such sub-
14 section.

15 “(d) ADJUSTMENTS TO ANNUAL BUDGET.—The Chief
16 Financial Officer may adjust the budget for Federal, pri-
17 vate, and other grants received by the District government
18 reflected in the amounts provided in the budget approved
19 by Act of Congress under section 446, or approved and re-
20 ceived under subsection (b)(2) to reflect a change in the ac-
21 tual amount of the grant.

22 “(e) REPORTS.—The Chief Financial Officer shall pre-
23 pare a quarterly report setting forth detailed information
24 regarding all Federal, private, and other grants subject to
25 this section. Each such report shall be submitted to the

1 Council and to the Committees on Appropriations of the
 2 House of Representatives and Senate not later than 15 days
 3 after the end of the quarter covered by the report.

4 “(f) *EFFECTIVE DATE.*—This section shall apply with
 5 respect to fiscal years 2006 through 2008.”.

6 (b) *CONFORMING AMENDMENT.*—The fourth sentence of
 7 section 446 of such Act (sec. 1–204.46, D.C. Official Code),
 8 as amended by section 101(b), is amended by inserting “sec-
 9 tion 446B,” after “section 446A,”.

10 (c) *CLERICAL AMENDMENT.*—The table of contents of
 11 such Act, as amended by section 101(c), is amended by in-
 12 serting after the item relating to section 446A the following
 13 new item:

“Sec. 446B. Acceptance of grant amounts not included in annual budget.”.

14 **SEC. 306. STANDARDS FOR ANNUAL INDEPENDENT AUDIT.**

15 Section 448 of the District of Columbia Home Rule
 16 Act (sec. 1–204.48, D.C. Official Code) is amended—

17 (1) in subsection (a)(4), by striking the semi-
 18 colon at the end and inserting the following: “, as au-
 19 dited by the Inspector General of the District of Co-
 20 lumbia in accordance with subsection (c) in the case
 21 of fiscal years 2006 through 2008;”; and

22 (2) by adding at the end the following new sub-
 23 section:

24 “(c) The financial statement and report for a fiscal
 25 year prepared and submitted for purposes of subsection

1 (a)(4) shall be audited by the Inspector General of the Dis-
 2 trict of Columbia (in coordination with the Chief Financial
 3 Officer of the District of Columbia) pursuant to section
 4 208(a)(4) of the District of Columbia Procurement Prac-
 5 tices Act of 1985, and shall include as a basic financial
 6 statement a comparison of audited actual year-end results
 7 with the revenues submitted in the budget document for such
 8 year and the appropriations enacted into law for such year
 9 using the format, terminology, and classifications contained
 10 in the law making the appropriations for the year and its
 11 legislative history.”.

12 **SEC. 307. USE OF FINES IMPOSED FOR VIOLATION OF TRAF-**
 13 **FIC ALCOHOL LAWS FOR ENFORCEMENT AND**
 14 **PROSECUTION OF LAWS.**

15 Section 10(b)(3) of the District of Columbia Traffic
 16 Act, 1925 (sec. 50–2201.05(b)(3), D.C. Official Code) is
 17 amended to read as follows:

18 “(3) Notwithstanding any other provision of law, all
 19 fines imposed and collected pursuant to this subsection dur-
 20 ing fiscal year 2006 and each succeeding fiscal year shall
 21 be transferred to the General Fund of the District of Colum-
 22 bia, shall be used by the District of Columbia exclusively
 23 for the enforcement and prosecution of the District traffic
 24 alcohol laws, and shall remain available until expended.”.

1 **SEC. 308. CERTIFICATIONS FOR ATTORNEYS IN CASES**
 2 **BROUGHT UNDER INDIVIDUALS WITH DIS-**
 3 **ABILITIES EDUCATION ACT.**

4 (a) *RESPONSIBILITIES OF CHIEF FINANCIAL OFFI-*
 5 *CER.—Section 424(d) of the District of Columbia Home*
 6 *Rule Act (sec. 1–204.24(d), D.C. Official Code), as amended*
 7 *by section 201(a), is amended by adding at the end the fol-*
 8 *lowing new paragraph:*

9 “(28) *With respect to attorneys in special edu-*
 10 *cation cases brought under the Individuals with Dis-*
 11 *abilities Education Act in the District of Columbia*
 12 *during fiscal year 2006 and each succeeding fiscal*
 13 *year—*

14 “(A) *requiring such attorneys to certify in*
 15 *writing that the attorney or representative of the*
 16 *attorney rendered any and all services for which*
 17 *the attorney received an award in such a case,*
 18 *including those received under a settlement*
 19 *agreement or as part of an administrative pro-*
 20 *ceeding, from the District of Columbia;*

21 “(B) *requiring such attorneys, as part of*
 22 *the certification under subparagraph (A), to dis-*
 23 *close any financial, corporate, legal, membership*
 24 *on boards of directors, or other relationships*
 25 *with any special education diagnostic services,*
 26 *schools, or other special education service pro-*

1 *viders to which the attorneys have referred any*
 2 *clients in any such cases; and*

3 *“(C) preparing and submitting quarterly*
 4 *reports to the Committees on Appropriations of*
 5 *the House of Representatives and Senate on the*
 6 *certification of and the amount paid by the gov-*
 7 *ernment of the District of Columbia, including*
 8 *the District of Columbia Public Schools, to such*
 9 *attorneys.”.*

10 *(b) INVESTIGATIONS BY INSPECTOR GENERAL.—Sec-*
 11 *tion 208(a)(3) of the District of Columbia Procurement*
 12 *Practices Act of 1985 (sec. 2–302.08(a)(3), D.C. Official*
 13 *Code) is amended by adding at the end the following new*
 14 *subparagraph:*

15 *“(J) During fiscal year 2006 and each succeeding fis-*
 16 *cal year, conduct investigations to determine the accuracy*
 17 *of certifications made to the Chief Financial Officer of the*
 18 *District of Columbia under section 424(d)(28) of the Dis-*
 19 *trict of Columbia Home Rule Act of attorneys in special*
 20 *education cases brought under the Individuals with Disabil-*
 21 *ities Education Act in the District of Columbia.”.*

Attest:

Secretary.

109TH CONGRESS
2D SESSION

H. R. 3508

AMENDMENT